

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has rejected claim 7 under 35 U.S.C. 112 second paragraph. We have amended claim 7 to overcome the rejection under 35 USC §112.

The Examiner has rejected claims 7-12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,103,994 to *DeCoster et al* in view of U.S. Patent no. 5,343,016 to *Davis et al.*

Claim 7 has been amended to include the elements of claims 10 and 11.

For example, amended claim 7 includes the following new steps:

storing the welding parameter;... evaluating any signals received from the external operating units of the external

components; . . . allocating said signals to respective welding parameters.

One of the benefits of the present invention is to provide a flexible allocation of welding parameters via a central unit. For example in the specification, page 13, lines 11-20 states:

"In order to be able to realize a flexible allocation, it is necessary that the control and/or evaluation device 4 carries out a suitable evaluation of the incoming signal from the external components 29 and these signals are allocated to the respective welding parameters such that the control and/or evaluation device 4 will subsequently be able to effect a change of the deposited value or set value so as to enable this change to be displayed on the external component 29 too."

It is respectfully submitted that claim 7 as amended is now patentable over the above cited references. For example, *DeCoster et al.* does not disclose the step of:

"selectively allocating a selected welding parameter for setting or adjustment to an external operating unit provided on an external component."

Instead, as shown in FIG.1 of *DeCoster et al*, different control devices, such as shown by reference 29 can include a trigger only device 30, a fingertip control device, a foot control device 31 and a hand control device 32. These devices can be used in connection with a remote control circuit 28 via remote connector 36.

With *DeCoster et al.* control circuit 16 detects the type of remote device that is coupled to the remote connector for receiving a remote device signal from one or more remote devices 29 in remote control circuit 28. In this case, each of the devices are external remote control devices such that the user is able to set, or adjust a fixedly dedicated welding parameter in a central unit. However, *DeCoster et al.* does not disclose a device having an external component that receives instructions or welding parameters from a central unit. Therefore, it is respectfully submitted that features of claim 7 are not disclosed in the reference to *DeCoster et al.*.

The Examiner has stated that it would be obvious to combine the teachings of *DeCoster et al* with the disclosure of *Davis*.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143

It is respectfully submitted that there is no suggestion to combine the reference of *DeCoster et al* with the reference of *Davis*.

DeCoster does not operate using a control program. Instead, it operates using remote control manually operatable elements disclosed in FIG. 1. In addition, *DeCoster* does not disclose a system that performs the following function:

evaluating any signals received from the external
operating units

In fact, it is respectfully submitted that DeCoster teaches away from the above step. For example, Decoster states in column 2, lines 62-66 that "the improved welding device also would be substantially free of relays and other expensive circuitry."

If this is the case, then it is respectfully submitted that there would be no suggestion to combine the *DeCoster et al* reference with the *Davis et al* reference to arrive at the present invention which is much more advanced than the *DeCoster* device.

In addition, it is respectfully submitted that there is no reasonable expectation of success. For example, it is respectfully submitted that the design of *DeCoster et al* would have to be substantially altered to include elements disclosed in *Davis*. For example, *DeCoster et al* discloses a system that is not equipped to receive or evaluate any signals from external operating units.

In addition, *Davis et al.* discloses a microprocessor controlled welding apparatus being capable sensing external switches or other devices. However with *Davis*, it is not possible to selectively allocate a selected welding parameter to an external operating unit provided on an external component. In

addition, with *Davis*, it is not possible to perform the following step:

"setting or changing said welding parameter, based upon activation or adjustment of the external operating unit provided on the external component."

Thus, it is respectfully submitted that the references to *DeCoster* or *Davis* taken either alone or in combination are not obvious in view of claim 7.

In addition, even after combining the above references it is respectfully submitted that it would not be obvious to arrive at the present invention as claimed in amended claim 7. This is because it is respectfully submitted that there can be no reasonable expectation of success. For example, amended claim 7 also includes the following new steps:

storing the welding parameter;... evaluating any signals received from the external operating units of the external components; ...allocating said signals to respective welding parameters.

These steps are also not disclosed in the above cited references.

Thus, it is respectfully submitted that claim 7 is patentable over the above cited references.

For example, with the present invention it is possible for a user of the welding apparatus, according to claim 7, to carry out a variable allocation of different welding parameters to external components without requiring an accordingly trained person. With the present invention, a control program can provide a flexible allocation of the parameters from a welding apparatus to an external component in particular, a welding torch. With this design, a user is thus able to allocate at least one desired welding parameter to least one external component, to enable a welding parameter to be subsequently adjusted from the external component. With this design and process, this constitutes considerable enhancement of the welding process, because the users are now able to freely allocate, as a function of a respective application or welding process required, the welding parameters, which can be adjustable via external components. Thus, this process allows for an optimum adaptation of the external components to the most various or different welding processes or applications.

Therefore, it is respectfully submitted that claims 7 -9 and 12 are patentable over the above cited references taken either singly or in combination.

In addition, new claims 13 and 14 are also being introduced. New claim 13 has support from the specification on page 5 lines 10-14. New claim 14 has support from FIG. 1 reference numerals 30 and 31 and also in the specification on page 10 lines 3-6. It is respectfully submitted that these claims are also patentable over the above cited references.

Early allowance of the remaining claims is respectfully requested.

Respectfully submitted,
BURGSTALLER ET AL-1 PCT



COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

Allison C. Collard, Reg.No.22,532
Edward R. Freedman, Reg.No.26,048
Frederick J. Dorchak, Reg.No.29,298
Attorneys for Applicant

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